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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA**

**Case No. 3:11-CR-00285-HZ**

**v.**

**GOVERNMENT'S SENTENCING  
MEMORANDUM**

**ELLIOTT ERNEST MEJIA,**

**Defendant.**

**Sentencing Date:  
August 20, 2012 at 10:00 a.m.**

This matter is scheduled for sentencing to occur on August 20, 2012.

The PSR at ¶¶ 6-11 correctly summarizes this Rule 11(c)(1)(C) plea agreement between the parties. The parties agreed that the defendant will be eligible for sentencing as a career offender on Count I (distribution of a controlled substance) and that the guideline range will be 151-188 months. The parties further agreed that a sentence of 120 months' incarceration should be imposed pursuant to the factors listed in 18 U.S.C. § 3553(a). The PSR writer is also recommending the same sentence by stating, "Considering defendant's personal history and the amount of his life spent incarcerated, this is not an unreasonable adjustment."

Turning to the 18 U.S.C. § 3553(a) factors, the parties and the PSR writer believe they support the agreed upon ten-year sentence. Although distribution of narcotics and felon in possession of firearms are extremely serious offenses, the defendant's history and personal

circumstances do not require a sentence of 151 months' incarceration. The defendant does have serious convictions from the State of California, however, they are dated and at 44 years of age, the parties are hopeful that the instant offense represents the defendant's last conviction. He does have three DCS convictions and a burglary conviction. However, the DCS convictions were not overwhelming in their seriousness and he received a sentence of probation on the burglary charge. The defendant has not been involved in the criminal justice system since 2007. It was also important to the government that the defendant was cooperative with the police and that the firearms were located in another residence and not possessed in connection with his drug trafficking activities. In addition, although his pattern of dealing narcotics was serious, the total amount of drugs associated with this case (49 grams of heroin, 9.6 grams of methamphetamine, and 11.8 grams of marijuana) were not substantial. This sentence will serve to punish the defendant, protect the public from further crimes of the defendant for ten years and, hopefully, deter others from similar criminal conduct. The parties believe those factors support the agreed upon sentence of ten years' imprisonment and urge the court to accept this disposition.

As part of his plea agreement with the government, the defendant has waived most of his appellate rights and he has agreed to the forfeiture of the firearms. The government will be moving to dismiss count two of the indictment at the time of sentencing.

Dated this 13th day of August 2012.

Respectfully submitted,

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